



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/876,173

06/08/2001

Steven Rizzi

000479.00023

5726

22907 7590 02/05/2010

BANNER & WITCOFF, LTD.

1100 13th STREET, N.W.

SUITE 1200

WASHINGTON, DC 20005-4051

EXAMINER

JANVIER, JEAN D

ART UNIT

PAPER NUMBER

3688

MAIL DATE

DELIVERY MODE

02/05/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte:* STEVEN RIZZI and CHRISTIAN BRIDGERS

---

Application No. 09/876,173  
Technology Center 3600

---

Mailed: February 5, 2010

---

Before QUITA GOULD *Supervisory Paralegal Specialist*  
GOULD, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on January 11, 2010. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**STATUS OF AFTER FINAL AMENDMENTS**

A review of the file finds an After Final Amendment was filed on October 31, 2008 and the record is unclear if the amendment after final has been approved for entry. Clarification of the status of amendment(s) filed subsequent to Final rejection is required.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) to mail a communication (Advisory Action or other) in order to clarify the record as to the status of the amendment after final; and/or
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

QG/Ssc

BANNER & WITCOFF, LTD.  
1100 13<sup>th</sup> Street, N.W.  
Suite 1200  
Washington, DC 20005-4051